TITLE 145. OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT
CHAPTER 15. OKLAHOMA 9-1-1 MANAGEMENT AUTHORITY

145:15-7-3. Eligible Use List of Approved Expenditures for Landline and Wireless 9-1-1 Fee Revenue (NEW)

Public agencies or public safety answering points (“PSAPs”) who receive wireline and wireless 9-1-1 fee revenue from local telephone exchanges and the Oklahoma Tax Commission may only spend such funding on the eligible uses listed below:

(a) ENHANCED 9-1-1 SERVICES
   (1) Enhanced 9-1-1 Phase II wireless technology, NG9-1-1, or successor 9-1-1 technology (defined as: technology and maintenance needed to transmit voice, data, and text from the 9-1-1 caller to the 9-1-1 center call-taker);
   (2) Mapping display for call answering positions that are ANI(ALI equipped;
   (3) 9-1-1 GIS services;
   (4) TTY required for compliance with the Americans with Disabilities Act (“ADA”);
   (5) 9-1-1 information technology services;
   (6) 9-1-1 Management Information System (“MIS”) for reporting purposes;
   (7) Cyber security of the 9-1-1 system; or
   (8) Clock synchronizer and maintenance for 9-1-1 purpose.

(b) ADMINISTRATION
   (1) Human resources services;
   (2) Legal costs;
   (3) Financial services, including 9-1-1 financial audits;
   (4) 9-1-1 public education coordination;
   (5) Voice and radio/data recorder and maintenance;
   (6) 9-1-1 Coordinator duties;
   (7) 9-1-1 Coordinator or 9-1-1 office computers, software, and furniture; or
   (8) Expenses needed to gather location information.

(c) OPERATIONS
   (1) PSAP and 9-1-1 administrative telephone lines/connections;
   (2) E9-1-1/NG9-1-1 reserve accounts and 9-1-1 call receiver salaries and benefits;
   (3) Computer Aided Dispatch (“CAD”) by the Public Safety Telecommunicator to manage the 9-1-1 call (excluding legal, fire, EMS, jail, and other ancillary software solutions);
   (4) Hardware/software licensing specifically for display of the field units in the 9-1-1 center, which does not include field responder licensing and hardware;
   (5) Interfaces from CAD or 9-1-1 to external services, such as radio, NCIC, records management systems (“RMS”), and mobile computer systems;
(6) Radio consoles within the 9-1-1 center, including licensing, and the radio or connectivity needed to broadcast the 9-1-1 information to the field (excluding radio systems, repeaters, subscriber units, portable/mobile radios used in the field, or any other communication median beyond the dispatch center);
(7) Call taker protocols; or
(8) Office supplies needed for the delivery of 9-1-1 services.

(d) FACILITY
(1) PSAP and 9-1-1 facility lease/purchase costs;
(2) E9-1-1 building repair and maintenance, including major systems replacement or repair;
(3) E9-1-1 property and liability insurance;
(4) Auxiliary generator and generator maintenance to provide 9-1-1 eligible equipment;
(5) Console furniture for 9-1-1 call receiving equipment and maintenance; or
(6) Uninterruptible power supply (“UPS”) for PSAP enhanced 9-1-1 equipment and maintenance.

(e) TRAINING
(1) Coordinator professional development;
(2) 9-1-1 Public Safety Telecommunicator professional development and operational training;
(3) Cyber security training related to 9-1-1;
(4) Social media security training related to 9-1-1; or
(5) 9-1-1 professional subscriptions and memberships.
RULEMAKING ACTION:
Notice of proposed EMERGENCY rulemaking

PROPOSED RULE:

Subchapter 7. Disbursement of 9-1-1 Telephone Fees
145:15-7-3. Eligible Use List of Approved Expenditures for Landline and Wireless 9-1-1 Fee Revenue [NEW]

SUMMARY:
Public agencies may only use funds collected pursuant to the Oklahoma 9-1-1 Management Authority Act for “services, equipment and operations related to 9-1-1 emergency telephone services.” 63 O.S., § 2868(A). The 9-1-1 Management Authority is the entity that is authorized to “[e]stablish an eligible use list for 9-1-1 funds.” 63 O.S., § 2864(18). The new proposed rule establishes an eligible use list, and in so doing, helps to ensure that public funds are spent appropriately and only for the reasons enumerated in Oklahoma law.

AUTHORITY:
63 O.S., §§ 2864(18) and 2868

COMMENT PERIOD:
Written and oral comments will be accepted until 4:30 p.m. on June 30, 2022, at: Lance Terry, Statewide 9-1-1 Coordinator, Oklahoma 9-1-1 Management Authority, 2401 N. Lincoln Blvd., Oklahoma City, OK 73105, or Lance.Terry@oem.ok.gov.

PUBLIC HEARING:
A public hearing will be held on Friday, July 1, 2022, at the Oklahoma State Capitol, 2300 N. Lincoln Blvd., Rm. 4S.7, Oklahoma City, at 10:30 a.m. Anyone wishing to speak must sign in no later than 10:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES: n/a

COPIES OF PROPOSED RULES:
Copies of the proposed rule may be obtained from the Oklahoma 9-1-1 Management Authority, 2401 N. Lincoln Blvd., Oklahoma City, OK 73105. The proposed rule will also be available on the Authority’s website at https://www.ok.gov/911/.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma 9-1-1 Management Authority at the above address. The rule impact statement will also be uploaded to the above website beginning June 15, 2022.

CONTACT PERSON:
Lance Terry, Statewide 9-1-1 Coordinator, Oklahoma 9-1-1 Management Authority, 405-521-3193, Lance.Terry@oem.ok.gov. For legal questions, contact Maria Maule, Assistant Attorney General, (405) 522-0055, Maria.Maule@oag.ok.gov.
Rule Impact Statement

I. A brief description of the proposed rule:

Public agencies may only use funds collected pursuant to the Oklahoma 9-1-1 Management Authority Act for “services, equipment and operations related to 9-1-1 emergency telephone services.” 63 O.S., § 2868(A). The 9-1-1 Management Authority is the entity that is authorized to “[e]stablish an eligible use list for 9-1-1 funds.” 63 O.S., § 2864(18). The new proposed rule establishes an eligible use list, and in so doing, helps to ensure that public funds are spent appropriately and only for the reasons enumerated in Oklahoma law. This rule is a needed safeguard to help protect the integrity of public expenditures.

II. A description of the persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

The proposed rule will impact public safety answering points or public firefighting, law enforcement, ambulance, emergency medical, or other emergency service agencies who receive 9-1-1 funds from the revenues generated by landline telephone and wireless telephone fees and collected by the Oklahoma Tax Commission or 9-1-1 Management Authority. At this time, the 9-1-1 Management Authority does not anticipate any cost impacts to these agencies.

III. A description of the classes of persons who will benefit from the proposed rule:

Oklahomans from all seventy-seven counties will benefit from this rule by guaranteeing that 9-1-1 funds are spent only on eligible items or services related to 9-1-1 system maintenance, operations, facilities, and improvements.

IV. A description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:

The 9-1-1 Management Authority will impact public safety answering points or public firefighting, law enforcement, ambulance, emergency medical, or other emergency service agencies by restricting how these entities can use the 9-1-1 funds. 9-1-1 Funds must be related to the provision 9-1-1 services, including enhanced 9-1-1 services, administration, operations, facilities, and training.

V. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:
The 9-1-1 Management Authority believes that public safety answering points or public firefighting, law enforcement, ambulance, emergency medical, or other emergency service agencies will benefit from knowing, in advance, what 9-1-1 funds can be used for.

Public agencies are required to have the accounts related to the operation of 9-1-1 emergency systems audited on an annual basis. 63 O.S., § 2868(E). Similarly, they must submit an annual operation and financing report, and a copy of their most recent annual audit or budget, to the 9-1-1 Management Authority for review and approval; disapproval thereof can lead 9-1-1 funds being placed in escrow. 63 O.S., § 2868(F) and (G). By providing clarification as to what constitutes an appropriate eligible use, the proposed new rule minimizes the risk of unfavorable audit results and the escrow of 9-1-1 funds.

VI. A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

The 9-1-1 Management Authority does not anticipate any adverse effect on small business as a result of the proposed new rule.

VII. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

The 9-1-1 Management Authority finds that there are no less costly or nonregulatory methods or less intrusive methods to achieve the purpose of the proposed rule.

VIII. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The 9-1-1 Management Authority finds that the proposed rule will benefit public health and safety as it is designed to ensure that the 9-1-1 funds will be spent on new and existing 9-1-1 infrastructure for improvements and maintenance to ensure that all Oklahomans can benefit from 9-1-1 services.

IX. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:

The public health, safety, and welfare will be detrimentally affected by failure to implement this rule. 9-1-1 funds will be at risk for diversion to non-9-1-1 service-related purchases and expenditures. Furthermore, Oklahomans will not benefit from well-maintained 9-1-1 services and systems as well as improvements and expansion of 9-1-1 services.

Date prepared: May 6, 2022